DOOSRI SHAADI KE AHKAAM O MASAAIL

[Roman Urdu pdf]

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بِسۡمِ اللّٰہِ الرَّحۡمٰنِ الرَّحِیۡمِ

Doosri shaadi ke ahkaam o masaail

Shaadi Ambiyaa e Kiraam ki sunnat hai, Allah ka farmaan hai:

وَلَقَدْ أَرْسَلْنَا رُسُلًا مِّن قَبْلِكَ وَجَعَلْنَا لَهُمْ أَزْوَاجًا وَذُرِّيَّةً ۚ وَمَا كَانَ لِرَسُولٍ أَن يَأْتِيَ بِآيَةٍ إِلَّا بِإِذْنِ اللَّهِ ۗ لِكُلِّ أَجَلٍ كِتَابٌ

Tarjumah: Hum aap se pehle bhi bahut se Rasool bhej chuke hain aur hum ne un sab ko biwi bachchon waala banaaya tha, kisi Rasool se nahi ho sakta ke koi nishaani baghair Allah ki ijazat ke le aaye, har muqarrarah wa'da ki ek likhat hai.
(Surah Ar-Ra'd, Surah No: 13 Ayat No: 38)

Jo musalmaan Nabi ki is sunnat se a'raaz kare (muh mode) woh musalmaan nahi hai. Umm ul Momineen Hazrat Aisha Siddiqah Radhiallahu Anha se riwayat hai ke RasoolAllah Sallallahu Alaihi Wasallam ne farmaaya:

النِّكَاحُ مِنْ سُنَّتِي فَمَنْ لَمْ يَعْمَلْ بِسُنَّتِي فَلَيْسَ مِنِّي وَتَزَوَّجُوا فَإِنِّي مُكَاثِرٌ بِكُمُ الأُمَمَ وَمَنْ كَانَ ذَا طَوْلٍ فَلْيَنْكِحْ وَمَنْ لَمْ يَجِدْ فَعَلَيْهِ بِالصِّيَامِ فَإِنَّ الصَّوْمَ لَهُ وِجَاءٌ

Tarjumah: Nikah mera tareeqa hai aur jo shakhs mere tareeqe par amal nahi karta, us ka mujh se koi talluq nahi. Shaadiyan kiya karo kiunki main tumhaari kasrat ki bina par doosri ummaton par fakhr karunga, jo (maali taur par) istita'at rakhta ho woh (zaroor) nikah kare aur jise (rishta) na mile, woh roze rakha kare kiunki roza khwahish ko kuchal deta hai.
(Ibn e Majah: 1846)
Allama Albani Rahimahullah ne is Hadees ko Hasan kaha hai.

Jis ne taaqat rakhte huwe shaadi kar li us ne sunnat par amal kiya, jo taaqat rakhne ke bawjood shaadi nahi karta woh taarik e sunnat (sunnat ko chorne waala) hai, is mein woh log bhi daakhil hain jo shaadi ki umr ko pahunch gaye aur gunaah mein padne ka khatra hai magar baaz dunyawi maqaasid

ko haasil karne ke liye shaadi mein taal matol karte hain. Makhloot taleem (co-education) haasil karne waale ya ikhtilaat ki jaghon pe rahne sehne waale is tarah ke bahut se log na-jaaiz tareeqe se shehwat raaniyaan karte hain. Is marhale mein sarparast ki zimmedaari hai ke waqt pe apne matahat ki shaadi kara den taaki sharmgaah ki hifaazat ho sake jo ke nikah ke ek ahem maqaasid mein se hai.
Nabi Sallallahu Alaihi Wasallam ne farmaaya:

يَا مَعْشَرَ الشَّبَابِ، مَنِ اسْتَطَاعَ مِنْكُمُ الْبَاءَةَ؛ فَلْيَتَزَوَّجْ، فَإِنَّهُ أَغَضُّ لِلْبَصَرِ، وَأَحْصَنُ لِلْفَرْجِ، وَمَنْ لَمْ يَسْتَطِعْ؛ فَعَلَيْهِ بِالصَّوْمِ ؛ فَإِنَّهُ لَهُ وِجَاءٌ

Tarjumah: Aye jawaanon ke giroh! Tum mein se jo koi shaadi ki istita'at rakhta ho woh shaadi kar le, yeh nigaah ko ziyadah jhukaane waali aur sharmgaah ki ziyadah hifaazat karne waali hai aur jo istita'at nahi rakhta to woh roze ko laazim kar le, yeh khwaahish ko qaabu mein karne ka zariya hai.
(Sahih Muslim: 1400)

Agar mard ne ek khatoon se shaadi kar li to us ne sunnat par amal kar liya, raha masla doosri shaadi ka to yeh bhi mardon ke liye Mubaah hai. Quran mein Allah ne pehle do shaadi ka hi zikr kiya hai phir teen, phir chaar, un mein insaaf na kar sakne ki soorat mein ek ko ikhtiyaar karne ka hukm mila:

فَانْكِحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ مَثْنَىٰ وَثُلَاثَ وَرُبَاعَ ۖ فَإِنْ خِفْتُمْ أَلَّا تَعْدِلُوا فَوَاحِدَةً

Tarjumah: Aur aurton mein se jo bhi tumhein achchi lagen tum un se nikah kar lo, do do, teen teen, chaar chaar se, lekin agar tumhein baraabari na kar sakne ka khauf ho to ek hi kaafi hai.
(Surah An-Nisa, Surah No: 4 Ayat No: 3)

Yahan doosri shaadi se mutalliq chand ahkaam bayan kiye jaate hain:

⁕Doosri shaadi ka hukm⁕

Pehle yeh samajh len ke zamaane e jaahiliyat mein log kasrat se shaadi kiya karte the, Islam ne shaadi ki hadd muta'ayyan ki ke agar koi shaadi karna chaahe to chaar tak us ki hadd muta'ayyan hai. Ek se zaaid shaadiyan biwiyon ke darmiyaan huqooq ki ri'aayat aur adl o insaaf se mashroot hai (yani ek se zaaid shaadiyan usi surat mein sahih hongi jab insaan apni biwiyon ke darmiyaan adl o insaaf kar sake) warna ek hi shaadi par iktifaa

kare. Doosri shaadi karna samaaj mein bahut hi ma'yoob samjha jaata hai, aaj modern mahol mein ishq o aashiqi karne waale, bahar munh maarne waale aur na-jaaiz tareeqe se hawas ki piyaas bujhaane ko bhi itna ma'yoob nahi samjha jaata. Islam ne doosri shaadi ko jaaiz thehraaya hai us ko ma'yoob samajhne waale ya is hukm e rabbaani ko ghalat taswwur karne waale ki aql mein bila-shubha futoor hai.

✳ Doosri shaadi ki shart ✳

Doosri shaadi itni aasaan bhi nahi hai jitna ke log samjhte hain us ke liye mundarja zail (following) chand shartein hain:

✯ Pehli shart ✯ Dono biwiyon mein adl qaayem kar sake. Is ki daleel Allah ka yeh farmaan hai:

فَإِنْ خِفْتُمْ أَلَّا تَعْدِلُوا فَوَاحِدَةً

Tarjumah: Agar tumhein adl na kar sakne ka khauf ho to ek hi kaafi hai.
(Surah An-Nisa, Surah No: 4 Ayat No: 3)

✯ Doosri shart ✯ Dono biwi ko khilaane ki taaqat ho, Allah ka farmaan hai:

وَلْيَسْتَعْفِفِ الَّذِينَ لَا يَجِدُونَ نِكَاحًا حَتَّىٰ يُغْنِيَهُمُ اللَّهُ مِنْ فَضْلِهِ

Tarjumah: Aur un logon ko paak daaman rehna chaahiye jo apna nikah karne ki taaqat nahi rakhte yahan tak ke Allah Taala unhein apne fazl se maaldaar kar de.
(Surah An-Noor, Surah No: Ayat No: 33)

✯ Teesri shart ✯ Mard mein ek se zaaid aurat ke liye quwwat e mardaangi maujood ho. Nabi Sallallahu Alaihi Wasallam ka farmaan hai:

مَنِ اسْتَطَاعَ مِنْكُمُ الْبَاءَةَ فَلْيَتَزَوَّجْ

Tarjumah: Tum mein se jo shaadi karne ki istitaat rakhta ho wahi shaadi kare.
(Sahih Muslim: 1400)

Agar yeh shartein paayi jayein to koi mard kisi doosri aurat se shaadi kar sakta hai warna nahi.

✳ Doosri shaadi ke baaz huqooq o aadaab ✳

Biwiyon ke huqooq mein se hai ke dono ke darmiyaan raat basar karne ke liye baari muta'ayyan kare, isi tarah safar pe jaane ke liye biwi ke naam se qur'aa daale jis ka naam aaye use safar pe le jaaye, dono biwiyon ke liye yaksaan khaane, rihaaish aur kapde ka bandobast kare. Isi tarah dono biwiyon ko alag alag kamre mein rakhe is ki wajah yeh hai ke ek aurat ka satar doosri aurat ke liye dekhna jaaiz nahi hai, ek jagah hone se ek doosre ke saamne barhana (nude) hogi. lehaza is soorat se ijtinaab kare (bache). mard ke liye jaaiz hai ke ek hi raat mein ek se zaaid biwi se jima' kare, yeh RasoolAllah Sallallahu Alaihi Wasallam se saabit hai.
Anas bin Maalik Radhiallahu Anhu bayan karte hain:

كَانَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَدُورُ عَلَى نِسَائِهِ فِي السَّاعَةِ الْوَاحِدَةِ مِنَ اللَّيْلِ وَالنَّهَارِ، وَهُنَّ إِحْدَى عَشْرَةَ. قَالَ: قُلْتُ لِأَنَسٍ: أَوَكَانَ يُطِيقُهُ؟ قَالَ: كُنَّا نَتَحَدَّثُ أَنَّهُ أُعْطِيَ قُوَّةَ ثَلَاثِينَ

Tarjumah: Nabi kareem Sallallahu Alaihi Wasallam din aur raat ke ek hi waqt mein apni tamaam azwaaj e mutahharaat ke paas gaye aur yeh giyaarah thein. (9 mankooha aur do laundiyaan) rawi ne kaha, main ne Anas Radhiallahu Anhu se poocha ke Nabi Kareem Sallallahu Alaihi Wasallam is ki taaqat rakhte the? To unhon ne kaha hum aapas mein kaha karte the ke Aap Sallallahu Alaihi Wasallam ko 30 mardon ke barabar taaqat di gayi hai. (Sahih Bukhari: 268)

Goya ek raat mein kayi biwi se jima' karne mein koi harj nahi hai lekin ek kamre mein ek doosri biwi ke saamne jima' karna haya aur murawwat ke khilaaf hai saath hi kisi aurat ke liye jaaiz nahi ke doosri aurat ki sharmgaah dekhe.
Ek biwi ko doosri biwi ke saamne na daant dapat kare na maare aur na hi un mein ya un ke aulaad ke darmiyaan kisi tarah ki tafreeq kare, dono biwiyon mein ulfat o mohabbat ki fiza qaayem rakhne ke liye tanazu'aat (ladaayi, jhagda) paida hone ke asbaab o awaamil se ijtinaab kare (bache), agar aapas mein ikhtilaaf ki soorat paida ho jaaye to sakhti ki bajaaye narmi se hal karne ki koshish kare aur us mein kisi ek ki tarafdaari na kare.

✳ Ta'addud e izdiwaaj aur khawateen ka nazariyyah ✳

Islam saraapa (means mukammal taur se) deen e rehmat hai, woh kisi ke saath ziyaadti nahi karta. Aurat ko fitratan aisa lagta hai ke doosri shaadi hamaare upar zulm o ziyaadti hai. Yahi wajah hai aurat apne shauharon ke

liye doosri biwi pasand nahi karti. Main musalmaan behnon se arz karna chaahta hun ke agar aap apne nafs ko shari'at ke tabe' banaayen aur apni manfa'at ki bajaaye ijtimaa'e manfa'at par nazar daudaayen, neez shaadi ka maqsad aur ta'addud e izdiwaaj ki hikmaton par gaur karein to Allah ke is faisle par aap ka dil zaroor mutma'in hoga.

✳ Ta'addud e izdiwaaj ki hikmat ✳

Pehle dhiyaan mein yeh rahe ke shaadi ki hikmat musalmaanon ki ta'dad badhana hai jis par Nabi Sallallahu Alaihi Wasallam qayamat ke din fakhr karenge, isi tarah sharmgaah ki hifaazat bhi shaadi ke maqsad mein se hai.

◈ Ek se zaaid shaadi hukm e ilaahi (Allah Taala ka hukm) hai aur Allah ka koi hukm kisi maslihat ke baghair nahi hota chaahe hamaari mehdood aql us ka idraak kare ya na kare.

◈ Qudrati taur par duniya mein aurton ki ta'dad ziyadah hai aur bahar mardon ke kaam kaaj, masaail, ladaayi jhagda, qatl o fasaad ke sabab mard hi ka ziyadah nuqsaan hota hai, agar har aadmi ek shaadi par iktifaa kare to baqiyah aurton ki shaadi ka masla pecheedah ho jaayega. Aaj jahez ki la'nat ka ek sabab ladkiyon ki kasrat hai, agar ladkiyaan kam hotien to ladke paisa de de kar shaadi karte. Ladkiyon ki kasrat koi masla nahi hai ba-shart yeh (shart yeh hai) ki log muta'addid (kayi) shaadiyan karen, aaj logon ne shaadi chor kar zina ka raasta talaash kiya to Allah ne un mein Aids ki beemari phaila di.

◈ Khawateen pe baaz makhsoos maraahil aate hain us waqt mard apni biwi se door rehta hai us soorat mein kasrat e jima' waala shakhs ya to doosri shaadi karega ya zina ka raasta ikhtiyaar karega ya phir biwi hi se na-jaaiz tareeqe se faida uthaayega, in tamaam suraton mein doosri shaadi jaaiz aur awla (behtar) hai.

◈ Baaz mardon mein qudrati taur par shehwat ziyadah hoti hai aise hazraat ke liye bhi jaaiz raasta doosri shaadi hi hai warna ghalat raasta ikhtiyaar karega.

◈ Baaz logon ko ek biwi se aulaad nahi hoti hai, maayusi mein zindagi guzaar raha hota hai magar doosri shaadi se bahut saare log saheb e aulaad (aulaad waale) ho jaate hain.

◈ Bewah (widow) ya mutallaqa (jis ko talaaq de di gayi ho) ya umr raseedah (aged) aurat (kisi beemari ke sabab ya aib ke sabab ya rishta tay karte karte kaafi waqt guzar gaya aur aaj aisa bahut dekhne ko milta hai khusoosan jo ladki kaali ya ma'zoor ya ghareeb ho) se shaadi karna log ma'yoob samjhte hain, agar un se koi shaadi kar le to aise mard ko hiqaarat

bhari nazron se dekha jaata hai. Aisi aurton se shaadi karna jahaan un ke saath ehsaan o sulook hota hai wahien shaadi ke maqaasid bhi poore hote hain.
◈ Ta'addud e izdiwaaj se pur-fitan daur mein sharamgaahon ki hifaazat par qawi madad milti hai.

✳ Doosri shaadi ke liye pehli biwi se ijazat ✳

Doosri shaadi ke mutalliq logon mein ek ghalatfehmi phaili hue hai ke mard pehli biwi ki ijazat ke baghair shaadi nahi kar sakta. Yeh ghalatfehmi hi hai Islam mein is ki koi haqeeqat nahi. Doosri shaadi ke mu'aamle mein mard khud mukhtaar hai use pehli biwi se ijazat lene ki zaroorat nahi kiunki doosri shaadi ki zaroorat mard ko hai na ke aurat (shohar hote huwe) ko is liye aurat se poochne ka sawaal hi paida nahi hota. Neez Quran o Hadees mein pehli biwi se ijazat lene ka koi suboot nahi milta.
Haan agar koi shakhs ehsaan ke taur par pehli biwi se pooch leta hai ya us ko doosri shaadi ki khabar deta hai to is mein koi muzaiqah nahi.

✳ Doosri shaadi pe pehli biwi ka talaaq ka mutaalibah ✳

Baaz aurtein doosri shaadi pe is qadar aag bagula ho jaati hain ke shohar se doosri biwi ki talaaq ka jabran (zabardasti) mutaalibah karti hain aur marne ya maarne ki mukhtalif dhamkiyaan deti hain. Kisi bhi aurat ka aisa mutaalibah karna jaaiz nahi balki yeh Allah aur us ke Rasool ke hukm ki na-farmaani hai.
Nabi Sallallahu Alaihi Wasallam ka farmaan hai:

لَا يَحِلُّ لِامْرَأَةٍ تَسْأَلُ طَلَاقَ أُخْتِهَا لِتَسْتَفْرِغَ صَحْفَتَهَا، فَإِنَّمَا لَهَا مَا قُدِّرَ لَهَا

Tarjumah: Kisi bhi aurat ke liye halaal nahi ke apni bahen ki talaaq ka mutaalibah kare taaki us ke bartan ko faarigh kar ke khud nikah kar le, balki us ke muqaddar mein jo kuch hai woh use milega.
(Sahih Bukhari: 5152)

Lehaza aurton ko sabr se kaam lena chahiye aur apne nafs ko shari'at ka paaband banaana chahiye. Aap yeh sochein ke agar aap bewah ya mutallaqa hotien aur aap se koi mard shaadi karta to khush hotien ya ghamgeen? Yeh shaitaan hai jo logon ke dilon se ulfat ko door karta hai aur ikhtilaaf ka waswasa daalta rehta hai to hamein saukanon se nahi shaitaan

se muqaabla karna hai.

✳Pehli biwi se doosri shaadi chupaana✳

Kuch log doosri shaadi kar ke pehli biwi se is liye chupaate hain taaki koi tanaazo' (ladaayi waghera) na khada ho aur kisi nagahaani (achaanak aane waale) zarar (nuqsaan)
se bacha jaa sake. Ulama ne is tarah ki maslihat ke taien doosri shaadi ko pehli biwi se chupaana jaaiz qaraar diya hai. Main is mein kuch izafah yeh karna chaahta hun ke awwalan (sab se pehle) pehli biwi ko doosri shaadi ke mutalliq convince karne ki koshish karen taaki doosri shaadi ki achaanak khabar sun kar do khaandaan aur aulaad ke darmiyaan fitne ka sabab na ban jaaye. Agar waqa'ee aap doosri shaadi ki zaroorat mehsoos karte hain is shart ke saath ke dono mein adl kar sakenge aur pehli biwi, doosri shaadi ke mukhalif hai, kisi taur se aap ke nazariyye se ittefaaq nahi karna chaahti phir bhi aap shaadi kar sakte hain chaahe us ko khabar karen ya na karen. Is soorat mein doosri shaadi ko chupaana itna bada mu'aamla nahi hai jitna bada mu'aamla doosri shaadi ke hukm ko haqeer o zulm samjhna hai.

✳Doosri shaadi nikaah e misyaar ke taur par✳

Misyaar maujooda zamaane ka ek nikaah ka tareeqa hai, Arab ulama ne is ke jawaaz ka fatwa diya hai kiunki is mein shaadi ke arkaan o sharaait paaye jaate hain. Is ki shakl yeh hai ke biwi razamandi ke saath apne baaz huqooq maaf kar deti hai masalan nafqah aur apne paas mustaqil raat guzaarna. Mard hamesha us biwi ke paas raat guzaarne se aazad ho jaata hai, isi tarah us ka kharch bhi bardaasht nahi karna padta. Waqtan fawaqtan us biwi ke paas aata rehta hai is se khusoosan umr raseedah (aged), bewah aur mutallaqa khawateen ki iffat o ismat ki hifaazat hoti hai. Jab nikah e misyaar jaaiz hai to doosri shaadi karne mein koi harj nahi hai. Yaad rahe ke halaala e murawwajah ya mut'ah ki tarah muddat muta'ayyan kar li jaaye to nikah nahi zina shumaar hoga.

✳Doosri shaadi par aitraaz aur us ka jawaab✳

Aam taur se ek se zaaid shaadi par yeh aitraaz kiya jaata hai ke do teen

saukanon mein tanaazo' paida ho jaata hai. Waqa'ee yeh mu'aamla barr e sagheer mein dekhne ko milta hai. Is mein qusoor kis ka hai? Saudi Arab mein bhi ek se zaaid shaadiyan hoti hain magar hindustan o pakistan jaisa mahol nahi hai is ki kiya wajah hai? Sab se pehle yeh jaan lein ke tanaazo' insaani zindagi ka hissah hai, jahaan do log rehte hain wahaan nazariyyaat mein khtilaaf hona laazmi cheez hai, aksar isi nazariyyaati ikhtilaaf ke sabab tanaazo' paida hota hai. Tanaazo' ke liye doosri shaadi hi sabab nahi hai, ek biwi aur shauhar mein bhi tanaazo' hota hai. Talaaq ki kasrat is ki wazeh daleel hai. Haan ek se zaaid biwiyon mein ikhtilaaf ki kasrat ho jaati hai, ise mard husn e ta'amul aur husn e tadbeer se rafa' kar sakta hai. Nabi Sallallahu Alaihi Wasallam ki zindagi hamaare liye anmol namoona hai jin ke paas giyaarah (11) biwiyaan thein. Un biwiyon ke darmiyaan bhi ma'mooli ikhtilaaf dekhne ko milta hai, is ka matlab hargiz yeh nahi ke ikhtilaaf ya tanaazo' ki wajah se doosri shaadi nahi ki jaa sakti ya Allah ke is hukm ka inkaar kiya jaaye.

Ek aitraaz yeh bhi kiya jaata hai jo aam taur se ghair Muslim karte hain, kuch jadeed zehan ke musalmaan bhi is mein shaamil hain ke jab mard ek se zaaid shaadiyan kar sakta hai to aurat kiun nahi?

Aurat bhi doosri shaadi kar sakti hai magar ek saath nahi yani ek shauhar ke maujood hote huwe nahi doosri shaadi nahi kar sakti. Agar shauhar ki wafaat ho jaaye to aurat doosri shaadi kar sakti hai, shauhar agar talaaq de de to doosri shaadi kar sakti hai, isi tarah shauhar laapata ho jaaye to bhi doosri shaadi kar sakti hai magar ek saath kayi shauhar nahi rakh sakti hai. Is ki asal wajah yeh hai ke Allah Taala ne sirf mardon ko ek saath kayi biwiyaan rakhne ki ijazat di hai, yeh haqq aurton ko nahi mila hai. Is ki hikmat mein ghairat ka bada dakhal hai ke koi mard apni biwi mein sharaakat nahi pasand kar sakta. Aurat ki kamzoori, bimaari (haiz o nifaas waghera), mardon ke bil muqaabil jinsi khwaahish ki kami, ek se zaaid shauharon ki adm e istita'at (istita'at na hona) (shauharon ki khidmat ki haisiyat se, aulaad ki tarbiyat ki haisiyat se, ghar ke mu'aamlaat sambhaalne waghera ki haisiyat se) bhi aurat ke liye bayak waqt muta'addid shauhar rakhne mein rukaawat hain. Ek aurat ke paas bayak waqt (ek hi waqt mein) kayi shauhar hon to use jinsi beemari ka bhi imkaan hai. Ek mushkil nutfe mein ikhtilaat ki bhi hai. Gharelu fasaad to apni jagah, kaun aur kaise tay karega ke aurat

kab, kis shauhar ke paas rahe, kaise aulaad ki tarbiyat kare, kaise gharelu kaam kaaj sambhale aur kis tarah mukhtalif shauharon ki muta'addid zimmedaariyaan nibhaaye. Yeh aise muqaddamaat hain jin ke hal ki koi soorat nahi hai is wajah se Islam ne ek aurat ko bayak waqt (ek hi waqt mein) kayi shauhar rakhne ki ijazat nahi di hai.

Note :Isey khudh bhi padhey aur dooosron ko bhishare karey.Mazeed Deeni masail, jadeed mouzuaat aur fiqhi sawalat ki jaankari keliye visit kare

24 September 2020